

be expected to result in a SIP that will provide for attainment.

EPA has received, in letters from Texas dated May 31, 1988, and June 21, 1988, information that the baseline for the credit-donating sources was based on maximum throughput (i.e., maximum tank capacity), and not actual historical throughput. EPA solicits comments on the question of the use of allowable versus actual emissions for calculating baseline emissions.

The 1986 ETPS states that pending bubbles, such as this one, i.e., bubbles submitted before the 1986 ETPS was published, are approvable if they meet the criteria of the 1982 policy and show that the NAAQS will not be jeopardized. (51 FR 43831 col. 3) The 1982 policy did not address the baseline requirements for rural ozone nonattainment areas. For nonattainment areas with approved demonstrations of attainment, the 1982 policy stated:

The baseline must be consistent with assumptions used to develop the area's SIP. Only reductions not assumed in the area's demonstration of reasonable further progress and attainment can be considered surplus. This generally means that actual emissions must be the baseline where actual emissions were used for such demonstrations, and that allowable emissions may be the baseline where allowable emissions were used for such demonstrations. [47 FR 15077 col. 3] The 1982 policy further states

In nonattainment areas, the baseline may be either maximum allowable emissions or actual historical emissions. To determine which baseline is appropriate, the state should examine the assumptions used in developing its demonstration of attainment. [47 FR 15080 col. 1]

The 1982 policy does not address rural ozone nonattainment areas because for 1979 SIPs such areas did not require attainment demonstrations. EPA is concerned that the above-quoted language can be construed to require the use of actual historical production or throughput values, and not maximum production or throughput, in such areas. It could be argued that the SIPs for rural ozone nonattainment areas were approved on the understanding that, given the current emission level in those areas, attainment would result when RACT controls were put in place in those areas, and the neighboring urban nonattainment areas reached attainment. Under this reasoning, it could be construed that approval of the SIPs for rural ozone nonattainment areas were based on actual emissions which would be analogous to the basis of approval of the attainment

demonstration in urban nonattainment areas. However, since the 1982 policy was silent to this point, since 1979 SIPs in rural nonattainment areas did not require attainment demonstrations, and because this is a pending bubble action, EPA is today proposing approval of the bubble based on the use of the allowable baseline included in the State submittal. However, EPA solicits public comments on this question of the validity of the use of allowable versus actual emissions for calculating DuPont's baseline emissions. Comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the address above.

In summarizing, the DuPont Bubble meets the criteria set forth in the April 7, 1982 **Federal Register** that incorporates the Bubble Policy into a comprehensive Emissions Trading Policy Statement (ETPS), and the final ETPS of December 4, 1986. Therefore, EPA is proposing approval of the DuPont Bubble as discussed above for incorporation into the Texas SIP, but is also soliciting comments on the question of the validity of the credit donating source's baseline emissions determination.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 1291 for a period of two years.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental Relations.

Dated: September 15, 1989.

Joe D. Winkle,

Acting Regional Administrator (6A).

[FR Doc. 89-22420 Filed 9-21-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[SW-FRL 3648-1]

National Oil and Hazardous Substances Contingency Plan; The National Priorities List; Request for Comments

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete a site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the International Minerals & Chemical Corp. (Terre Haute East Plant) site (IMC), from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by EPA, because it has been determined that all Funds financed response under CERCLA have been implemented, and EPA in consultation with the State, has determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the IMC site.

DATE: Comments concerning the proposed deletion of the site from the NPL may be submitted until October 23, 1989.

ADDRESSES: Comments may be mailed to Nan Gowda (5HS-11), Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 230 S. Dearborn St., Chicago, IL 60604. The comprehensive information on the site is available at the local information repositories located at: Vigo County Library, One Library Square, Terre Haute, IN 47807; and the Vigo County Health Department, 201 Cherry, Terre Haute, IN 47807.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Feeeman (5HS-12), Region V, U.S. EPA, 230 South Dearborn Street, Chicago, IL 60604, (312) 886-6214.

FOR FURTHER INFORMATION CONTACT: Nan Gowda (5HS-11), U.S. EPA, Region V, Office of Superfund, 230 South Dearborn Street, Chicago, Illinois, 60604. (312) 353-9236; or Art Gasior (5PA-14), Office of Public Affairs, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, (312) 886-6128.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) announces its intent to delete the IMC site from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Superfund (Fund) Fund-financed remedial actions. Any site deleted from the NPL remains eligible for additional Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

The EPA will accept comments on this proposal for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

The Agency believes it is appropriate to review all sites being considered or proposed for deletion from the NPL, including the site being noticed today, to determine whether the requirement for a five-year review (under CERCLA section 121(c)) applies. This is consistent with the intent of the statement in the *Administrator's Management Review of the Superfund Program* (the "90-day Study"), that "EPA will modify Agency policy so that no site, where hazardous substances remain, will be deleted from the NPL until at least one five year review is conducted and the review indicates that the remedy remains protective of human health and the environment." EPA will shortly issue its policy on when and how five-year review sites may be deleted from the NPL. This policy may have an effect on the timing of site deletions proposed in this and other notices.

II. NPL Deletion Criteria

The 1985 amendments to the NCP established the criteria the Agency uses to delete sites from the NPL, 40 CFR 300.66(c)(7), provide that sites "may be deleted or recategorized on the NPL where no further response is appropriate." In making this decision,

EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate.

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent additional Fund-financed actions if future site conditions warrant such actions. Section 300.68(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

Deletion of sites from the NPL does not itself create, alter, revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.66(c)(7) has been met, EPA may formally begin deletion procedures. The first steps are the preparation of a Superfund Close Out Report and the establishment of the local information repository and the Regional deletion docket. These actions have been completed. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this

responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**. However, it is not until the next official NPL rulemaking that the site would be actually deleted.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for intending to delete the Site from the NPL.

The IMC East Plant Site in southeastern Terre Haute, Indiana, is located in Vigo County, approximately 1.8 miles east of the Wabash River. The plant site has an area of approximately 37 acres. From 1946 to 1954, manufacturing, packing, and warehousing of technical grade benzene hexachloride (BHC-tech) occurred on a six-acre segment of this property. As a result of these operations, the site soils and groundwater became contaminated with BHC residues. Confirmed contamination of the groundwater is the reason that the site was proposed for inclusion on the NPL on October 15, 1984, and later made final on the NPL in June 1986.

Beginning in 1979, surface and core sampling/analysis were conducted by IMC to determine the extent of contaminated soil. In addition, monitoring wells were installed to determine potential impacts to the groundwater.

In 1980, IMC removed 18,500 cubic yards of contaminated materials. These materials were placed in an on-site mound above the elevation of the highest groundwater level, and secured by a clay cap. Excavation was carried out in all areas until soil samples contained less than 50 ppm BHC. The mound was encircled with a concrete drainage ditch, which diverts runoff water away from the edge of the mound toward a gravel infiltration area to the south. This disposal mound is surrounded by a security fence. Monitoring wells upstream and downstream of the mound have been sampled and analyzed quarterly since 1981. Contamination concentrations in the downgradient wells have decreased with time.

In August 1986, IMC and U.S. EPA signed an Administrative Order by Consent, in the matter of the IMC East Plant Site, to conduct a Remedial Investigation and Feasibility Study (RI/FS). In entering into this Consent Order, the mutual objectives of EPA and IMC were: (1) To determine fully the nature and extent of the threat to the public health or welfare or the environment

caused by the release or threatened release of hazardous substances into the environment from the East Plant site; and (2) to evaluate alternatives for the appropriate remedial action to prevent or mitigate the migration or the release or threatened release of hazardous substances from the Site, which includes evaluation of past remediation at the site and to evaluate the need for and appropriate extent of additional remedial action, if any.

As part of the RI/FS, a risk assessment was conducted. The purpose of the risk assessment was to determine the present or future potential adverse effects of the Site on public health and the environment. This assessment led to the identification of the BHC in the groundwater. Groundwater was sampled and analyzed for BHC. One of the isomers of BHC, known as "gamma" isomer, or lindane, is a priority pollutant. Lindane was detected in groundwater immediately downgradient of the disposal mound during the RI. Contamination levels are lower than the Maximum Contaminant Level (MCL) confirmed by the body of data accumulated during quarterly monitoring program.

The data also show that these low levels of lindane are declining and are well below the Maximum Contaminant Level Goal (MCLG) of 0.2 ppb. All other ground-water sampling locations, on and off-site, showed no detectable lindane. The levels of lindane detected in soil were well below the 50 ppb target cleanup values established and implemented in 1980.

On June 22, 1988, the Regional Administrator of U.S. EPA Region V, approved a Record of Decision which selected the No Action alternative (monitoring and maintenance of existing system) as the preferred remedy for the IMC East Plant Site. This remedy includes periodic monitoring of groundwater, fence maintenance, and long-term maintenance of the cover system. All materials, including the soil disposed of in the clay-capped mound, would be left in place.

As part of the No Action remedy, the IMC Corporation, present owner of the IMC East Plant Site, will continue to monitor the groundwater semi-annually for the next 5 years and annually thereafter; maintain cap and site security; and, maintain deed restrictions on the site land use. There will be a performance and maintenance review every 5 years with U.S. EPA.

Concentrations of lindane in the groundwater declined relatively quickly after the construction of the mound, and has continued to decline since early 1983. Groundwater cleanup has occurred

to MCLG levels, and contaminant concentrations continue to decline. The capping systems, fence, ground cover and monitoring program are reliable systems for prevention of contamination migration. Because the monitoring points are close to the mound, and because current groundwater contaminant levels are well below drinking water standards, early detection is possible, and no impact on downgradient groundwater users is anticipated.

The public health is further protected by the 5-year review of the selected remedy, as required by section 121 (b)(2)(c) of SARA. Under the No Action scenario, contaminants would remain on-site, requiring review of the remedy at least every 5 years to assure protection of human health and the environment. If action under section 104 or 106 is appropriate, such action will be taken at that time.

The capping system, fencing, and ground cover are already in place and have proven effective over the past seven years of the record. Deed restrictions will state that no private use of this site will be permitted for the 30-year period. Therefore, the site remediation objectives, with respect to public health and environmental impacts, have been attained.

EPA, with the concurrence of the Indiana Department of Environmental Management, has determined that all appropriate Fund-financed responses under CERCLA at the IMC site have been completed, and no further cleanup by the responsible parties is appropriate.

Dated: September 7, 1989.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 89-22076 Filed 9-21-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[SW-FRL-3649-4]

National Oil and Hazardous Substance Contingency Plan; The National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Petersen Sand and Gravel site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and

Hazardous Substance Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). This action is being taken by EPA, because it has been determined that all Fund financed response under CERCLA have been implemented and EPA, in consultation with the State, had determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Petersen Sand and Gravel site.

DATE: Comments concerning the proposed deletion of site may be submitted on or before October 23, 1989.

ADDRESSES: Comments may be mailed to David P. Seely, Remedial Project Manager, U.S. EPA, Office of Superfund, 230 S. Dearborn St., Chicago, Illinois, 60604. The comprehensive information on the site is available at your local information repository located at: Lake/Cook Memorial Library, 413 N. Milwaukee, Libertyville, Illinois, 60048.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Freeman (5HS-12), Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-6214.

FOR FURTHER INFORMATION CONTACT: David P. Seeley, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-7058 or Mary Ann Croce, 5PA-14, Office of Public Affairs, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-1728.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete the Petersen Sand and Gravel site from the National Priorities list (NPL), Appendix B, of the National Oil and Hazardous Substance Contingency Plan (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Superfund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the